

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-cv-1319

TODD DYER,

Defendant.

MOTION TO STRIKE

The United States of America (“United States”), by and through its undersigned attorneys, respectfully moves the Court for an Order striking the Motion for Stay of Action filed by defendant Todd Dyer (“Dyer”) on January 10, 2020. (ECF 25.) In support of this motion, the United States states as follows:

1. At the October 11, 2019 hearing in this matter, the Court appointed legal counsel for Dyer. Attorney Robert Penegor filed a Notice of Appearance on behalf of Dyer on October 14, 2019, (ECF 19), and continues to represent Dyer to date.

2. On January 10, 2020, Dyer filed a pro se “Motion for Stay of Action,” which was apparently prepared by Dyer, mailed directly from F.C.I. Elkton, and not signed by Attorney Penegor. (See ECF 25.)

3. It is well-established that “a defendant who is represented by counsel does not have the right to file his own pro se submissions.” *United States v. Mosley*, 353 Fed. App’x 49, 53 (7th Cir. 2009)(citing *United States v. Williams*, 495 F.3d 810, 813 (7th Cir. 2007); *United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998)). Here, Dyer is represented by counsel and

therefore does not have the right to file his own pro se submissions. Accordingly, the United States respectfully requests that the Court strike Dyer's pro se January 10, 2020 submission. (ECF 25.)

Dated: January 13, 2020

MATTHEW D. KRUEGER
United States Attorney

By: /s/Emily A. Constantine

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